

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 201908911	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/04/2019 1:02 PM	Location of Incident: Over the phone.	Precinct: 108	18 Mo. SOL 4/4/2021	EO SOL 11/19/2021	
Date/Time CV Reported Fri, 10/04/2019 8:08 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/10/2019 10:58 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Leyda Martineztorres	18769	961925	108 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Valeria Torres	18871	965576	108 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Leyda Martineztorres	Abuse: Police Officer Leyda Martinez-Torres refused to provide her name to § 87(2)(b)	

Case Summary

On October 4, 2019, § 87(2)(b) called the Internal Affairs Bureau to file this complaint on behalf of her son, § 87(2)(b). On October 10, 2019, the complaint was received at the CCRB. § 87(2)(b) did not witness the incident.

On October 4, 2019, at approximately 1:02 p.m., § 87(2)(b) was involved in a motor vehicle accident at the intersection of Vandam Street and Hunters Point Avenue in Queens. § 87(2)(b) called 911 and reported the accident, which prompted EMS to arrive at the scene. § 87(2)(b) his passengers and EMS waited over an hour for the police to arrive. EMS transported § 87(2)(b) to § 87(2)(b) before the police arrived. PO Martinez-Torres and PO Torres arrived at the scene. Upon their arrival, PO Martinez-Torres called § 87(2)(b) to determine his location and when asked, she refused to provide her name (**Allegation A-Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was not arrested or issued any summonses as a result of this incident. There was no video footage available to be obtained for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Levda Martinez-Torres refused to provide her name to § 87(2)(b)

The following facts are undisputed: § 87(2)(b) was involved in a car accident, which prompted EMS and the NYPD to respond. Officers responded to the scene after EMS transported § 87(2)(b) to § 87(2)(b). § 87(2)(b) received a phone call from an officer to determine his location after PO Martinez-Torres and PO Torres arrived at the scene of the car accident.

§ 87(2)(b) stated (Board Review 1) that at 2:33 p.m., he received a call from a female officer, who did not introduce herself. The officer informed § 87(2)(b) that she arrived at the scene and wanted to know where he was. § 87(2)(b) told the officer that he was at § 87(2)(g). § 87(2)(b) asked the officer for her name, to which she responded, “Don’t worry about it, I’ll see you there”. The female officer discontinued the call.

At 2:50 p.m., a female officer and her partner arrived at the hospital. The female officer asked § 87(2)(b) what happened, to which he responded with the events that occurred during the car accident. § 87(2)(b) asked the female officer if she was the officer to whom he spoke to on the phone. The female officer told § 87(2)(b) that she was the officer who called him. § 87(2)(b) then obtained both officers names by visually observing their name plates—the officer who called was identified as PO Martinez-Torres and her partner was PO Torres. § 87(2)(b) described PO Martinez-Torres as a 5’5” tall Hispanic female with black hair and an average build, who appeared to be about 27 years old. He described PO Torres as a 5’3” tall Hispanic female, with black hair and an average build, who appeared to be about 25 years old.

PO Martinez-Torres obtained § 87(2)(b)’s information for his portion of the Police Accident Report (PAR). § 87(2)(b) asked if PO Martinez-Torres could gather the information of the passengers involved, as she did not originally ask. PO Martinez-Torres obtained the names of the passengers and then handed § 87(2)(b) an accident report slip with the precinct and the accident number. PO Martinez-Torres told § 87(2)(b) that he could call in three days to obtain the report.

PO Martinez-Torres stated (Board Review 2) that she did not recall the time at which she and PO Torres arrived at the scene of the car accident. Upon their arrival, PO Martinez-Torres spoke to the motorist in the vehicle that collided with § 87(2)(b)’s vehicle. The motorist told PO Martinez-Torres what happened, and she began to prepare a PAR. The

motorist exchanged information with § 87(2)(b) which allowed PO Martinez-Torres to obtain a call back number at which she could reach him.

PO Martinez-Torres did not recall whether she or her partner called § 87(2)(b). One of the officers asked § 87(2)(b) where he was, to which he responded that he was at § 87(2)(b). PO Martinez-Torres did not recall if § 87(2)(b) asked for her name over the phone. After the call concluded, PO Martinez-Torres obtained the information of the motorist on scene, completed their portion of the PAR and then headed to § 87(2)(b).

When PO Martinez-Torres and PO Torres arrived at the hospital, they found § 87(2)(b) in the Emergency Room. PO Martinez-Torres did not recall if § 87(2)(b) asked her whether she was the officer to whom he spoke to over the phone. PO Martinez-Torres obtained § 87(2)(b)'s information, as well as that of the passengers who were in the vehicle, and then she informed § 87(2)(b) that he could go to the precinct to obtain the PAR. PO Torres was present throughout the entire incident but did not have any involvement in the gathering of information for the report, nor any conversation with § 87(2)(b) or the other passengers of the vehicle. PO Martinez-Torres and PO Torres left the hospital and returned to the precinct.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 3)
- PO Martinez-Torres has been a member-of-service for three years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 14, 2019, The Office of the New York City Comptroller confirmed that § 87(2)(b) has not filed a Notice of Claim in regard to this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date